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## **Patient Choice and Meaningful Disclosure Work Group: Specially Protected Health Information Subgroup**

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July 24, 2013  
10:00 a.m. – 12:00 p.m.  
James R. Thompson Center<sup>1</sup>  
100 W. Randolph Street  
Chicago, Illinois 60601

### **Action Plan**

Co-Leaders: David Carvalho  
TBD

Objectives: Define the scope of patient opt-in choice at the point of care for patients with specially protected health information and make a set of policy recommendations that HIEs and their participants will implement to meet the requirement of Federal and State law with respect to specific categories of specially protected health information in relation to the new requirement for opt-out choice for general medical and mental health information within the context of HIE.  
Define the scope of patient opt-out choice at the point of care with respect to patient requests for restrictions on the disclosure of specific (non-specially protected) health information and make a set of policy recommendations that HIEs and their participants will implement with respect to patient restrictions on the disclosure of non-specially protected health information within the context of HIE.

Deliverables: Policy Recommendations for the Disclosure of Specially Protected Health Information within the Context of Health Information Exchange  
Policy Recommendations for the Handling of Patient Requests for Restrictions on the Disclosure of Specific (Non-Specially Protected) Health Information within the Context of Health Information Exchange

Resources<sup>2</sup>: ILHIE Authority Data Security and Privacy Committee Report (09/19/12) (see Continuation of “Opt-In” Under Current Laws at p. 7; and Exhibit E, Overview of Proposed ILHIE Patient Consent Management Policy, II.A.1. Sensitive PHI Patients, at p. 22)  
Multi-State HIE Opt-Out Survey Resources (zip file)  
Patient Choice and Meaningful Disclosure Policy Draft

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<sup>1</sup> For those unable to attend the meeting in person, there will be call-in numbers for the Work Group’s plenary session and each subgroup’s break-out session.

<sup>2</sup> Resources are available at: <http://www2.illinois.gov/gov/HIE/Pages/PCMDWorkGroup.aspx>.

## **Excerpts from “Principles and ILHIE Authority Preferences Regarding Patient Opt-Out Choice and Meaningful Disclosure”**

### **4. Data filtered by “opt-out”**

#### **b. Per Provider**

Preference: Providers who have agreed to patient requests for restrictions on the disclosure of specific health information or who have patients with “specially protected” health information under Federal and State law, such as information regarding alcohol and substance abuse treatment, HIV/AIDS testing and genetic testing, will honor those requests and ensure that their EHRs, if capable, will not make such information available through the ILHIE. If a provider’s EHR is incapable of ensuring that such information will not be made available through the ILHIE, then the provider instead will require the patient to opt-out of participation in the ILHIE.

MAP:mp